

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

79 WRIT PETITION NO. 11322 OF 2015

**RAJEBHAU BABASAHEB SHELKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioner : Mr. Salgar Suresh P.
AGP for Respondents : Mr. S.B.Yawalkar
Advocate for Respondents 2 and 3 : Mr. R.T.Jain h/f Mr. D.S.Bagul
ASG for Respondents 5 and 6 : Mr. S.B.Deshpande

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JULY 23, 2018

O R D E R :

The petitioner had participated in the selection process conducted by respondent nos. 2 and 3 from open (sports) category. The petitioner was selected. Appointment order was issued to the petitioner. His sport's certificate was referred to respondent no.4. However, same was returned back on the ground that the certificate issued by Navodaya Vidyalaya do not come within the ambit of the Government Resolutions. In view of that, services of

the petitioner are terminated.

2. Mr. Salgar, learned counsel submits that sports tournament conducted by Navodaya Vidyalaya was at National level. The petitioner had participated in "Kabbadi" game. The tournament was conducted by Navodaya Vidyalaya Samiti at National level. Same is affiliated to Students School Games Federation of India (SGFI). The same is recognized by Indian Olympic Association.

3. Mr. Deshpande, learned ASG supports the contention of the petitioner.

4. Mr. Yawalkar, learned AGP submits that the sport's certificate does not come within the ambit and purview of the Government Resolution, dated 30.4.2005. Respondent no.4 has rightly observed that the said certificate does not come within the ambit and purview of any of the Government Resolutions.

The petitioner had not participated in the sports at National level and had not obtained 1st, 2nd or 3rd position.

5. We have considered the submissions.

6. Even if we do not enter into the objection of respondent that if the participation of the petitioner in the tournament held by Navodaya Vidyalaya is at National level or otherwise, still the certificates of the petitioner produced on record from pages 50 to 53 are the certificates of participation only, in which the petitioner's team had not obtained any position. Sub-clause (c) of clause 4 of the Government Resolution, dated 30.4.2005 states that any individual or team of the candidates should have obtained at least 1st, 2nd or 3rd position and gold, silver or bronze medals. Undisputedly, the petitioner has only certificate of participation and not of 1st, 2nd or 3rd position.

In view of that, it would be futile exercise to refer the certificate of the petitioner to the authority once again.

7. In view of above, Writ Petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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